

**In re: SANFORD SKARSTEN AND CAROL SKARSTEN.
EAJA-FSA Docket No. 1999EEA0215.
Decision and Order filed May 10, 2000.**

EAJA application – Prevailing party — Substantial justification — Fees and expenses.

The Director, National Appeals Division [Secretary of Agriculture delegated Equal Access to Justice Act (EAJA) authority to Director by memorandum dated June 14, 1999], affirmed award of appraisal fees and expenses and reversed Adjudication Officer's denial of fees for services of legal service organizations sought by Applicants under EAJA. The Adjudicating Officer determined that the Applicants were the prevailing parties in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215, and the fees and expenses associated with an independent appraisal were reasonable. The Adjudicating Officer determined that the Agency's decision was not substantially justified when it relied upon a flawed appraisal, but found that fees for legal services performed by nonprofit organizations were not compensable under EAJA. The Director reversed as to such fees, awarding limited fees as reasonable and documented, agreeing that the Applicants were prevailing parties and the Agency was not substantially justified in its action.

Alice A. Peterson, for Respondent.

Brian L. Boysen, Appleton, Minnesota, for Applicant.

Karen R. Kkrub, Appleton, Minnesota, for Applicant.

Initial decision issued by Michael W. Shea, Adjudicating Officer.

Decision and Order issued by Norman G. Cooper, Director, National Appeals Division.

Sanford Skarsten and Carol Skarsten [hereinafter Applicants] instituted this proceeding under the Equal Access to Justice Act (5 U.S.C. § 504 (1994 suppl. 3)) [hereinafter EAJA] and the Procedures Relating to Awards under the Equal Access to Justice Act in Proceedings Before the Department (7 C.F.R. §§ 1.180-203 (2000)) [hereinafter the EAJA Rules of Practice] by filing an Equal Access to Justice Act Application [hereinafter EAJA Application] with the United States Department of Agriculture [hereinafter USDA], National Appeals Division, [hereinafter NAD], on August 7, 1999.

Applicants allege in their EAJA Application that: (1) Applicants were the prevailing parties in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215, in which Applicants appealed the decision by the Farm Service Agency [hereinafter FSA], USDA [also hereinafter Respondent], as to payment under a Shared Appreciation Agreement (SAA) (7 C.F.R. § 1951 (1999)); (2) Applicants request the award of appraisal fees and expenses of \$1,210 be affirmed; and (3) Applicants request that the denial of fees as to the organizations providing certain assistance be reversed and that fees be awarded. The denial of fees for services provided by two legal services attorneys, one paralegal and one farm advocate was determined by the Hearing Officer, serving as EAJA Adjudicating Officer, on November 5, 1999.

On September 9, 1999, Respondent filed an Answer to Application for Fees and Expenses [hereinafter Answer] in which Respondent: (1) denies Applicants were the prevailing parties in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No.

1999E000215; (2) states Respondent's position in the adverse decision appealed from in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215, was substantially justified; (3) states Applicants' EAJA Application does not comply with the requirements of EAJA or the EAJA Rules of Practice; (4) states Applicants request relief that is not available under EAJA; and (5) states Applicants' request for fees is not supported by documentation.

Applicants filed their response to Respondent's Answer on September 23, 1999.

On November 5, 1999, Michael W. Shea, Hearing Officer, NAD, USDA, serving as EAJA Adjudicating Officer, issued an EAJA Determination [hereinafter Initial Decision and Order] in which he determined that: (1) Applicants filed a complete and timely EAJA Application (Initial Decision and Order at 6); (2) Applicants were the prevailing parties in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215 (Initial Decision and Order at 7); (3) Respondent's actions and decisions were not substantially justified (Initial Decision and Order at 7); (4) the fees and expenses associated with the independent appraisal were reasonable (Initial Decision and Order at 7); and (5) the fees requested for services provided to Applicants by two legal services attorneys, one legal services paralegal and one farm advocate were denied (Initial Decision and Order at 6).

Applicants requested \$1,210 in appraisal expenses and fees; attorney fees at a rate of \$140 to \$170 an hour for 23.5 hours; paralegal fees at a rate of \$50 to \$70 an hour for 28 hours; and farm advocate fees at a rate of \$50 to \$70 an hour for 32.04 hours. The Hearing Officer awarded only \$1,210 in appraisal fees.

On December 7, 1999, Applicants appealed to the Director, NAD, to whom the Secretary of Agriculture has delegated authority to act as final deciding officer on matters pertaining to EAJA in USDA proceedings covered by the EAJA Rules of Practice (7 C.F.R. § 1.189 (2000)).¹ On December 27, 1999, Respondent filed a Response in Opposition to Appeal Petition of the Applicants, and on January 10, 2000, Applicants submitted a Reply Memorandum in Support of Appeal Petition.

Applicable Statutory Provisions

5 U.S.C.:

Title 5 – GOVERNMENT ORGANIZATION AND EMPLOYEES

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CHAPTER 5 – ADMINISTRATIVE PROCEDURE

SUBCHAPTER I – GENERAL PROVISIONS

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¹The Secretary of Agriculture delegated EAJA authority to the Director, NAD by memorandum dated June 14, 1999.

§ 504. Costs and fees of parties

(a)(1) An agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency was substantially justified or that special circumstances make an award unjust. Whether or not the position of the agency was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the adversary adjudication for which fees and other expenses are sought.

(2) A party seeking an award of fees and other expenses shall, within thirty days of a final disposition in the adversary adjudication, submit to the agency an application which shows that the party is a prevailing party and is eligible to receive an award under this section, and the amount sought, including an itemized statement from an attorney, agent or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the agency was not substantially justified. When the United States appeals the underlying merits of a adversary adjudication, no decision on an application for fees and other expenses in connection with that adversary adjudication shall be made under this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.

(3) The adjudicative officer of the agency may reduce the amount awarded, or deny an award, to the extent that the party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The decision of the adjudicative officer of the agency under this section shall be made a part of the record containing the final decision of the agency and shall include written findings and conclusions and the reasons or basis therefor. The decision of the agency on the application for fees and other expenses shall be final administrative decision under this section.

....

(b)(1) For the purposes of this section—

(A) “fees and other expenses” includes the reasonable expenses of expert witnesses, the reasonable costs of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party’s case, and reasonable attorney or agent fees (The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the agency involved, and (ii) attorney or agent fees shall not be awarded in excess of \$125 per hour unless the agency determines by regulation that an increase in the cost of living or a special factor, such as the

limited availability of qualified attorneys or agents for the proceedings involved, justifies the higher fee.);

(B) “party” means a party, defined in section 551(3) of this title, who is (i) an individual whose net worth did not exceed \$2,000,000 at the time the adversary adjudication was initiated, or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed \$7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated. . . .;

(C) “adversary adjudication” means (i) an adjudication under section 554 of this title in which the position of the United States is represented by counsel or otherwise. . . .;

(D) “adjudicative officer” means the deciding official, without regard to whether the official is designated as an administrative law judge, a hearing officer or examiner or otherwise, who presided at the adversary adjudication;

(E) “position of the agency” means, in addition to the position taken by the agency in the adversary adjudication, the action or failure to act by the agency upon which the adversary adjudication is based[.]

5 U.S.C. § 504(a)(1)-(a)(3), (b)(1)(A)-(E), (c)(1) (1994 & Supp. III 1997).

THE ADVERSARY ADJUDICATION THAT IS THE BASIS FOR APPLICANTS’ EAJA APPLICATION

On October 20, 1998, the FSA issued a decision that the Applicants’ real property had appreciated in the amount of \$182,000 and that, under terms of the SAA, \$84,049.62 was due March 24, 1999.

On November 11, 1998, Applicants appealed the adverse decision to NAD. Specifically, Applicants challenged the accuracy of the appraisal of the property.

On February 3, 1999, the Hearing Officer conducted a hearing, and on March 4, 1999, the Hearing Officer issued an Appeal Determination that Respondent’s adverse decision was erroneous. *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215. A Director’s review of the Hearing Officer’s Appeal Determination was requested. On July 8, 1999, the Director upheld the Hearing Officer’s determination, noting that FSA acknowledged error in its failure to comply with regulatory requirements for determining payment due. *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215.

ARGUMENTS

Applicants contend that: (1) they were the prevailing parties in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215; (2) the Adjudicating

Officer's decision as to their request for the award of appraisal fees and expenses of \$1,210 should be affirmed; and (3) the Adjudicating Officer's decision as to their request for fees for other assistance should be reversed and reasonable fees be awarded.

Respondent contends that: (1) Applicants were not prevailing parties in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215; (2) Respondent's decision in the adverse decision appealed from in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215, was substantially justified; (3) Applicants' EAJA application does not comply with the requirements in EAJA or EAJA Rules of Practice; (4) Applicants' request for relief is not available under EAJA; and (5) Applicants' request for fees for legal and other representational services is not supported by documentation.

PREVAILING PARTY ANALYSIS

The Adjudicating Officer found that Applicants were the prevailing parties in *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215 (Initial Decision Order at 7) and Applicants agree (EAJA Application; Applicants' Reply to Answer at 2). Respondent disagrees and asserts that a "prevailing party" must receive something of "real world value". Respondent cites *Environmental Defense Fund Inc. v. Reilly*, 1 F.3d 1254 (D.C. Cir. 1993), which held that a party who has obtained a remand for further administrative proceedings is not, at that point, a "prevailing party" for purposes of collecting fees.² Attorney fees can be awarded only if the party ultimately succeeds on the merits of its underlying claim. *Environmental Defense Fund Inc.* at 1257. Respondent argues that, because the Hearing Officer substituted one appraisal for another and the Agency did not correct its appraisal, the amount due under the SAA is yet to be determined. Therefore, Respondent argues, Applicants have yet to receive something of "real world value" and are not prevailing parties as defined by EAJA.

Under the circumstances of this case and pursuant to the statutory basis for determinations within the jurisdiction of the NAD, a party prevails when it is finally determined that the adverse decision was erroneous. See 7 U.S.C. § 6991-7000 (1994 suppl. 4). Therefore, the Applicants were prevailing parties.

SUBSTANTIAL JUSTIFICATION ANALYSIS

EAJA provides an agency that conducts an adversary adjudication shall award to the prevailing party, fees and other expenses incurred by that party in connection

²See also *Sullivan v. Hudson*, 490 U.S. 877, 886, 109 S.Ct. 2248, 2254, 104 L.Ed.2d 941 (1989); *Hanrahan v. Hampton*, 446 U.S. 754, 100 S.Ct. 1987, 64 L.Ed.2d 670 (1980); *Waterman*, 901 F.2d at 1122; *National Coalition Against Misuse of Pesticides v. Thomas*, 828 F.2d 42, 44 (D.C. Cir. 1987).

with the proceeding, unless the Adjudicative Officer determines that the position of the agency was substantially justified (5 U.S.C. § 504(a)(1)) (1994 suppl. 3). A decision regarding whether an agency's position is substantially justified must be based on the administrative record for which fees and other expenses are sought (5 U.S.C. § 504(a)(1)) (1994 suppl. 3). Moreover, the legislative history of EAJA establishes a presumption that the Government's position was not substantially justified if it loses the case.³

The adversary adjudication for which the Applicants seek fees and other expenses, *In re Sanford Skarsten and Carol Skarsten*, NAD Case No. 1999E000215, concerned payment under the terms of an SAA. Applicants were notified that they owed \$84,049.62, the write-down amount giving rise to the SAA. At the inception of the SAA, the market value of the property was \$144,000; the appraised value of Applicants' property at SAA maturity was determined to be \$326,000, an appreciation of \$182,000. As fifty percent (50%) of this amount exceeded the amount of the write-down, the terms of the SAA required that Applicants remit the amount of the write-down. Applicants contested the accuracy of the Agency's October 13, 1998, appraisal in their NAD appeal.

The Hearing Officer concluded that Respondent had properly serviced the SAA, and that FSA was correct in demanding that Applicants remit \$84,049.62. (Appeal Determination at 6). However, the Hearing Officer found Respondent's appraisal of October 13, 1998, contained mathematical and descriptive errors and did not comply with Standard Rule 1-1 and Rule 1-2 of the Uniform Standards of Professional Appraisal Practice (USPAP) (Appeal Determination at 7). Therefore, the Hearing Officer determined that the adverse decision was erroneous. The Director upheld the Hearing Officer based on the errors admitted by FSA on review.

Applicants argue that Respondent was not substantially justified when it did not verify the accuracy of the contract appraiser's figures prior to computing the amount of the shared appreciation. Moreover, Applicants assert that Respondent failed to ensure that the contract appraiser complied with USPAP Rule 1-1(b) that states that an appraiser must not commit a substantial error of omission or commission that significantly affects the appraisal; USPAP Rule 1-1 (c) states that an appraiser must not render appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of an appraisal, but which, when considered in the aggregate, would be misleading; and USPAP Rule 1-2 provides for a personal inspection of the property wherever possible.

Respondent argues that the test of whether or not a Government action is substantially justified is essentially one of reasonableness. Respondent admitted that the contract appraisal contained errors; however, Respondent argues that those

³H.R. Rep. No. 96-1418, at 11 (1980), *reprinted in* 1980 U.S.C.C.A.N. 4990. *See also Cornella v. Schweiker*, 728 F.2d 978, 982 (8th Cir. 1984).

errors did not make the determination regarding the SAA unjustified. Respondent asserts that even if the contract appraisal were flawed, the question is whether a reasonable person, looking at the evidence, would reach the same determination as the Hearing Officer when he found that “the Agency has properly serviced the Appellants’ March 24, 1989 Shared Appreciation Agreement” (Appeal Determination at 6).⁴

Respondent contends it is not excusing the mistakes made by the contract appraiser but that regulations were otherwise followed in servicing Applicants’ SAA. Moreover, it is urged that the administrative record will show Respondent correctly calculated the amount of shared appreciation due, based upon a value determined by a State Certified general appraiser, as set forth in 7 C.F.R. § 1951.914(c) (1999).

In effect, the Respondent argues “no harm, no foul”. However, the Respondent did not comply with its own regulatory requirements, and was not substantially justified in failing to comply with those requirements regardless of any ultimate payment due. The Respondent’s failure to follow its own rules in determining the payment due under the SAA cannot be considered as reasonable Government action. A NAD Hearing Officer simply decides the factual matter of whether an agency complied with its regulations in rendering an adverse decision. See 60 Fed. Reg. 67298, 67302 (1995). Thus, the *sine qua non* of substantial justification in this NAD determination is in compliance with law and regulations.

FEES AND EXPENSES

Fees and expenses that may be awarded under EAJA include the reasonable expenses of expert witnesses; the reasonable cost of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party’s case; and reasonable attorney or agent fees (5 U.S.C. § 504(b)(1)(A)) (1994 suppl. 3).

Applicants request that the award of \$1,210 for real estate appraisal fees and expenses be affirmed. Applicants further request the award of fees for other organizations’ assistance to Applicants during the administrative appeal. Applicants assert that these organizations contributed a total of 106 hours of professional services to the Applicants.

Affidavits establish that Western Minnesota Legal Services billed Applicants for 64.78 hours of legal service at a rate of \$50 to \$70 an hour for the paralegal and \$140 to \$170 an hour for the attorney. An affidavit prepared by an attorney from the Farmers’ Legal Action Group, Inc. (FLAG) establishes that FLAG billed the

⁴See *Pierce v. Underwood*, 487 U.S. 552 (1988) at 587, n. 2 (stating that “a person can be justified even though it is not correct, and we believe it can be substantially (i.e. for the most part) justified if a reasonable person could think it correct, . . .”).

Applicants for 10.37 hours of legal services. Supporting documentation shows a rate of \$110 to \$120 an hour for the attorney's services. The affidavit from a farm advocate employed by the Neighbor's United Resource Center of Granite Falls establishes that the advocate billed the Applicants for 32.04 hours for services. Documentation shows the advocate billed at a rate at \$50 to \$70 an hour.

Applicants cite *Cornella* for the proposition that a claimant represented by a pro bono organization may be awarded fees under EAJA.. Although the government agencies in *Cornella* were the Social Security Administration and the Department of Health and Human Services, Applicants argue that the same consideration applies to their case. In its Response in Opposition to Appeal Petition of the Applicants, the Respondent refers in a footnote to the *Cornella* case that fees are not available in instances when the position of the Government is not represented by counsel. However, the law of the Circuit providing the jurisdictional authority for NAD adjudication of EAJA fees, *Lane v. U. S. Department of Agriculture*, 120 F.3d 106 (8th Cir. 1997), is predicated on a NAD proceeding in which the Government was not represented by counsel. As noted in the Applicants' Reply Memorandum in Support of Appeal Petition, this is a matter of *stare decisis*.

Respondent argues that the only issue involved in the adverse decision was the appraisal used to calculate shared appreciation due. Respondent further argues that Applicants' request for payment for more than 100 hours of work by two attorneys, a paralegal and a farm advocate is overbilling the government and is regarded as a serious transgression, damaging to the public fisc and violative of a trust. *Environmental Defense Fund* at 1260.

The Adjudicating Officer determined that the fees and expenses associated with the independent appraisal were reasonable and justified. He rejected, based on 7 C.F.R. 1.186(a) (2000), Applicants' request for other fees; however, the regulations specifically provides for award of fees based on customary rates even if the services were made available without charge or at reduced rate to the applicant. He reasoned that, because the organizations involved were nonprofit and do not charge for their services or the fees are nominal, an award would be unreasonable.

EAJA is intended to ameliorate the cost of taking up arms against unreasonable Government action. In this case, the Applicants obtained legal and other assistance in their quest to prove that the Respondent's demand for payment under the SAA was erroneous. They prevailed, as the Respondent was found to have erred in not complying with its own rules.

The Adjudicating Officer's rationale in denying any award for such assistance in not without logic, as the purpose of EAJA is not furthered if, in fact, there was no actual cost involved in securing assistance. In addition, legal assistance may appear gratuitous in bringing an appeal to NAD. NAD hearings are conducted by hearing officers, not administrative law judges. Also, NAD proceedings are intended to be "farmer-friendly" so farmers would not be required to hire attorneys

to use the NAD appeal process. See 60 Fed. Reg. 67298, 67302 (1995). Thus, the Federal Rules of Evidence, 28 U.S.C. App. (1994 suppl. 4), do not apply to NAD proceedings. 7 C.F.R. § 11.4b (2000).

Notwithstanding the above, there are other considerations to be weighed with respect to the Applicants' request for fees. The award of reasonable fees for organizations providing legal and other assistance represents more than an eleemosynary gesture; the failure to award fees for services of such organizations would discourage their involvement in cases of deserving appellants with meritorious but complex claims of error. Indeed, if the end result is improvement in the quality of the Department's administrative decisions, then the Department benefits, as do participants in its programs. It should be noted that although the NAD appeals process is intended to be "farmer-friendly," its rules require that any determination be "consistent with the laws and regulations of the agency, and with the generally applicable interpretations of such laws and regulations". 7 C.F.R. § 11.10b (2000). Further, Congress appears to have had some measure of legal oversight in mind for NAD as the statute requires that the NAD Director be appointed "from among persons who have substantial experience in practicing administrative law". 7 U.S.C. 6992b(a) (1994 suppl. 4). Finally, NAD determinations are subject to judicial review and enforcement by a federal district court. 7 U.S.C. 6999 (1994 suppl. 4). Certainly a party might desire legal or other assistance to develop the administrative record.

The Respondent does not argue that the award of necessary and reasonable fees is prohibited. Rather, the Respondent objects to award of the fees, citing their unreasonableness and lack of documentation. However, the record documents with specificity the fees sought, and the Hearing Officer recognized a total of 106 hours claimed for services of several attorneys and other representatives. He also clearly questioned whether any of the hours claimed are reasonable, especially as the issues revolved around the appraisal and argument concerning such was presented almost entirely by the Applicants' appraiser at the hearing. Indeed, it is difficult to discern the reasonableness and necessity as to fees for all the individuals identified as having provided some assistance in this case. Therefore, giving consideration to the documented participation of those making a necessary and reasonable contribution in this matter, a limited award of fees based on a rate of \$125 an hour for attorney fees pursuant to Section 504, *supra*, and \$50 an hour for paralegal fees, is appropriate. Based on the record, these fees are determined necessary and reasonable:

Brian L. Boysen, Attorney, Western Minnesota Legal Services

Date	Hours Billed	Activity
04/06/99	01 hr. 50 mins.	Work on appeal response
04/07/99	01 hr. 25 mins.	Work on appeal and telephone calls with Paul Mahoney

and Karen Krub

04/08/99	07 hrs. 50 mins.	Work on appeal letter, travel to meet with clients, service
08/04/99	02 hrs.	Work on EAJA documents and research
08/05-06/99	05 hrs.	Meet clients, work on EAJA application and affidavits, complete EAJA documents

Total Hours: 17 hours and 25 minutes (17-1/2 hours) x \$125 = \$2,188

Paul D. Mahoney, Paralegal, Western Minnesota Legal Services

<u>Date</u>	<u>Hours Billed</u>	<u>Activity</u>
01/05/99	00 hrs. 20 mins.	NAD prehearing teleconference concerning appraisal appeal
01/15-26/99	16 hrs.	Preparing all appeal documents for submission to NAD and FSA credit director
02/03/99	06 hrs.	Travel time and NAD appeal
04/01-08/99	05 hrs. 30 mins.	Evaluated Director Review request received with supervising attorney, client, farm advocate then worked on response to Director Review
08/05-06/99	02 hrs.	Worked on EAJA documents

Total Hours: 27 hours and 50 minutes (28 hours) x \$50 = \$1,250

Karen R. Krub, Attorney, Farmers' Legal Action Group, Inc.

<u>Date</u>	<u>Hours Billed</u>	<u>Activity</u>
03/09/00	01 hr. 10 mins.	Read Appeal Determination, review FSA appraisal regulations and internal directives
04/06/99	02 hrs. 21 mins	Work on response to Director Review: read draft; review USPAP Standards 1 & 2, FSA appraisal regulations and internal directives
04/07/99	02 hrs. 28 mins.	Work on response to Director Review: review USPAP Standards 1 & 2, FSA appraisal regulations and internal directives, USPAP court decisions; edit draft

Total Hours: 5 hours and 59 minutes (6 hours) x \$125 = \$750

Total: \$4,188

FINDINGS OF FACT AND CONCLUSION OF LAW

The Adjudicating Officer's determinations as to prevailing party, substantial justification, and appraisal fees are affirmed. The Adjudicating Officer's denial of fees for the expenses of the legal services organizations and paralegal fees is reversed. The Applicants are entitled to an award of those fees in the amount of \$5,398, of which \$1,210 is for real estate appraisal fees and expenses.

Order

Applicants' request, under the EAJA, for the award of real estate appraisal fees and expenses in the amount of \$1,210 is affirmed. Applicants' request for the award of fees and expenses for legal services and other representation is approved in the amount of \$4,188. A total of \$5,398 is awarded the Applicants.
